

**78B-4-515 Limitation on liability for greenhouse gases.**

- (1) "Greenhouse gas" means water vapor, carbon dioxide, methane, nitrous oxide, ozone, and chlorofluorocarbons.
- (2) A person residing or doing business in this state may not be held liable for damage or injury to another arising out of any actual or potential effect on climate caused by contributions to emissions of greenhouse gases unless it can be proved by clear and convincing evidence that the person has:
  - (a) violated an enforceable statutory limitation or restriction against emissions of a specific greenhouse gas originating within this state; or
  - (b) violated the express terms of a valid, enforceable operating, air, or other permit issued by a state or federal regulatory agency that has jurisdiction over the greenhouse gas emissions of the person or business.
- (3) The person bringing the action shall:
  - (a) specify each greenhouse gas emitted by the defendant which is asserted to give rise to the cause of action; and
  - (b) show by clear and convincing evidence that unavoidable and identifiable damage or injury has resulted or will result as a direct cause of the defendant's violation of statutory and permitting limits.

Amended by Chapter 340, 2011 General Session